

Practitioner's Docket No. U 013209-3

PATENT

#22  
1645/14  
7/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Olav LANES, et al.

Application No.: 09/758,017

Group No.: 1645

Filed: January 10, 2001

Examiner:

For: COD URACIL-DNA GLYCOSYLASE, GENE CODING THEREOF RECOMBINANT DNA CONTAINING SAID GENE OR OPERATIVE PARTS THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND THE USE OF SAID OPERATIVE PARTS THEREOF IN MONITORING OR CONTROLLING PCR

Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))

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NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\* (Preferred)

- ☒ with sufficient postage as first class mail.
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- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: April 25, 2003

Signature

05/02/2003 CNGUYEN 00000083 09758017

JANET I. CORD

01 FC:1806

180.00 OP

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any

certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final. Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136(a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

#### TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

#### STATEMENT OR FEE

2. Accompanying this transmittal is  
(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. 1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

**METHOD OF PAYMENT OF FEE**

3.

- ☒ Attached is a check in the amount of \$ 180.00.  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

If any additional fees are due, please charge Account 12-0425.

Reg. No.: 33,778

Tel. No.: (212) 708-1935

Customer No.: 00140

  
SIGNATURE OF PRACTITIONER

JANET I. CORD

*(type or print name of practitioner)*

LADAS & PARRY

P.O. Address

26 WEST 61<sup>ST</sup> STREET  
NEW YORK, N.Y. 10023

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Olav LANES, et al.

Serial No.: 09/758,017

Group No.: 1645

Filed: January 10, 2001

Examiner:

For: COD URACIL-DNA GLYCOSYLASE, GENE CODING THEREOF  
RECOMBINANT DNA CONTAINING SAID GENE OR OPERATIVE PARTS  
THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND THE USE OF  
SAID OPERATIVE PARTS THEREOF IN MONITORING OR CONTROLLING  
PCR

Attorney Docket No.: U 013209-3

Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached additional references which are  
considered in the specification and are also listed on the attached Form PTO-1449.

**JANET I. CORD**  
**c/o LADAS & PARRY**  
**26 WEST 61 STREET**  
**NEW YORK, N.Y. 10023**  
**Reg. No. 33,778 (212) 708-1935**

Respectfully submitted,

  
Janet I. Cord

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231.

**37 C.F.R. 1.8(a)**

☒ with sufficient postage as first class mail.


**37 C.F.R. 1.10\***

☐ as "Express Mail Post Office to Addressee"  
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**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: April 28, 2003

  
Signature  
**JANET I. CORD**  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label  
placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an  
oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement  
will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

FORM PTO-1449

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 013209-3

09/758,017

APPLICANT

Olav LANES, et al.

FILING DATE

GROUP

January 10, 2001

1645

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AR	Savva R., et al. "Nucleotide mimicry in the crystal structure of the uracil-DNA glycosylase-uracil glycosylase inhibitor protein complex." Nature Structural Biology, Vol. 2, No. 9 (1995) pp 752-757
AS	Outzen, H. et al. "Temperature and pH Sensitivity of Trypsins from Atlantic Salmon ( <i>Salmo salar</i> ) in Comparison with Bovine and Porcine Trypsin." Comp. Biochem. Physiol., Vol. 1158, No. 1 (1996) pp 33-45
AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.